UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
HOSSAIN, TANIM M

ART UNIT	PAPER NUMBER
2445	

NOTIFICATION DATE	DELIVERY MODE
05/11/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 February 2009</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9,12-18 and 42-46* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-7, 9, 12-18, 42-46* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *3/3/09*.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 1, 2, 4-6, 9, 12-16, 18, 42-44, and 46 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Glass (U.S. 2005/0060643) in view of Kirsch (U.S. 2005/0102366), in further

view of Seifert (U.S. 2004/0068543).

As per claim 1, Glass teaches a system that facilitates extracting data in connection with

spam processing, comprising: a computer readable storage medium comprising: a component

that receives a message and extracts a set of features associated with some part, content or

content type of a message (paragraphs 0050-0056); and an analysis component that examines

characters within a subject line of the message in connection with building a filter (0050-0056).

Glass does specifically teach that the analysis component examines the consecutiveness of the

characters in the subject line. Kirsch teaches the examination of the consecutiveness of

characters within a subject line of a message (Abstract; paragraph 0021). It would have been

obvious to one of ordinary skill in the art at the time of the invention to include the examination

of character consecutiveness in a subject line, as taught by Kirsch in the system of Glass, as this

teaching would further enhance the spam filtering process, by adding an additional layer of

security. Both inventions are from the same field of endeavor, namely the efficient filtering of

unwanted e-mail messages. Glass-Kirsch does not specifically teach the examination of a

content type of the message, where the content type is case-sensitive, in connection with building

a filter. Seifert teaches an analysis component that examines a content type of the message for

spam in connection with building a filter, wherein the content type is case-sensitive, comprises

primary content-type and a secondary content-type, or combinations thereof (Abstract;

paragraphs 0056-0057, 0076). It would have been obvious to one of ordinary skill in the art to

include the analysis of case-sensitive content type, as taught by Seifert in the system of Glass-

Kirsch. The motivation for doing so lies in the fact that adding this concept would enhance

security by filtering non-compliant messages. Further, this concept is well known in the art and

would thus have been envisioned by one of ordinary skill. All inventions are from the same field

of endeavor, namely the efficient filtering of unwanted e-mail messages.

As per claim 2, Glass-Kirsch-Seifert further teaches that the analysis component

determines frequency of consecutive repeating characters within the subject line of the message

(Kirsch: Abstract; 0021).

As per claim 4, Glass-Kirsch-Seifert further teaches that the analysis component

determines frequency of white space characters within the subject line of the message (Glass:

0050-0056; Kirsch: Abstract; 0021).

As per claim 5, Glass-Kirsch-Seifert further teaches that the analysis component

determines distance between at least one alpha-numeric character and a blob (Glass: 0050-0056;

Kirsch: Abstract; 0021; Seifert: Abstract; 0056-0057, 0076).

As per claim 6, Glass-Kirsch-Seifert further teaches that the analysis component determines a maximum number of consecutive, repeating characters and stores this information (Glass: 0050-0056; Kirsch: Abstract; 0021; Seifert: Abstract; 0056-0057, 0076).

As per claim 9, Glass-Kirsch-Seifert further teaches that the analysis component compares the content type of a current message to stored content types of a plurality of other messages to facilitate determining whether the message is spam (Glass: 0050-0056; Kirsch: Abstract; 0021; Seifert: Abstract; 0056-0057, 0076).

As per claim 12, Glass-Kirsch-Seifert further teaches that the analysis component further determines time stamps associated with the message (Glass: 0050-0056; Kirsch: Abstract; 0021; Seifert: Abstract; 0056-0057, 0076).

As per claim 13, Glass-Kirsch-Seifert further teaches that the analysis component determines a delta between time stamps (Glass: 0050-0056; Kirsch: Abstract; 0021; Seifert: Abstract; 0056-0057, 0076).

As per claim 14, Glass-Kirsch-Seifert further teaches that the delta is between a first and a last time stamp (Glass: 0050-0056; Kirsch: Abstract; 0021; Seifert: Abstract; 0056-0057, 0076).

As per claim 15, Glass-Kirsch-Seifert further teaches that the analysis component determines at least one of: a percentage of white space to non-white space in the subject line of the message and a percentage of non-white space and non-numeric characters that are not letters in the subject line of the message (Glass: 0050-0056; Kirsch: Abstract; 0021; Seifert: Abstract; 0056-0057, 0076).

As per claim 16, Glass-Kirsch-Seifert further teaches that the filter is a spam filter (Glass: 0050-0056; Kirsch: Abstract; 0021; Seifert: Abstract; 0056-0057, 0076).

As per claim 18, Glass-Kirsch-Seifert further teaches a machine learning system component that employs at least a subset of extracted features to learn at least one of spam and non-spam (Glass: 0050-0056; Kirsch: Abstract; 0021; Seifert: Abstract; 0056-0057, 0076).

As per claim 42, Glass-Kirsch-Seifert teaches a method for evaluating spam as a function of message content, comprising: employing a processor executing computer readable instructions stored on a computer readable storage medium to implement the following: parsing a message to extract a set of features associated with a part, content, or content type of the message, wherein the content type is case-sensitive and comprises a primary content-type and a secondary-content type, or combinations thereof (Glass: 0050-0056; Kirsch: Abstract; 0021; Seifert: Abstract; 0056-0057, 0076); and examining the extracted set of features and consecutiveness of repeating characters within a subject line of the message to classify the message as spam or not spam (Glass: 0050-0056; Kirsch: Abstract; 0021; Seifert: Abstract; 0056-0057, 0076); and processing the message as a function of the classification (Glass: 0050-0056; Kirsch: Abstract; 0021; Seifert: Abstract; 0056-0057, 0076).

As per claim 43, Glass-Kirsch-Seifert teaches the method of claim 42, examining the consecutiveness of repeating characters comprises determining a frequency of the consecutive of repeating characters, wherein the characters comprise letters, numbers, punctuation, or white space (Glass: 0050-0056; Kirsch: Abstract; 0021; Seifert: Abstract; 0056-0057, 0076).

As per claim 44, Glass-Kirsch-Seifert teaches the method of claim 42, examining the extracted set of features comprises determining a distance between at least one alpha-numeric

character and a blob (Glass: 0050-0056; Kirsch: Abstract; 0021; Seifert: Abstract; 0056-0057,

0076).

As per claim 46, Glass-Kirsch-Seifert teaches the method of claim 42, further comprising

comparing the set of features of the message to stored content types of a plurality of other

messages to determine whether the message is spam (Glass: 0050-0056; Kirsch: Abstract; 0021;

Seifert: Abstract; 0056-0057, 0076).

Claims 3, 7, 17, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Glass-Kirsch-Seifert in view of Official Notice.

As per claim 3, Glass-Kirsch-Seifert further teaches that the characters comprise spaces,

but does not specifically teach that they comprise letters, numbers, or punctuation (Glass: 0050-

0056; Kirsch: Abstract; 0021). Official Notice is taken that in view of the use of space

characters, any type of character may be used to for consecutiveness analysis. Character analysis

is well known in the art of spam filtering, and using different types of characters would have

been envisioned by one of ordinary skill.

As per claim 7, Glass-Kirsch-Seifert further teaches that the analysis component

establishes ranges of consecutive, repeating characters, whereby messages can be sorted by their

respective individual count of consecutive repeating characters (Glass: 0050-0056; Kirsch:

Abstract; 0021; Seifert: Abstract; 0056-0057, 0076). Glass-Kirsch-Seifert further teaches

scoring the messages based on a similarity calculator (Glass: 0167), but does not specifically

teach that the ranges correspond to varying degrees of spaminess. Official Notice is taken that it

would have been obvious to one of ordinary skill in the art at the time of the invention to include

a specific degree of spam-likelihood, as this teaching is well known in the art of spam filtration.

The motivation for doing so lies in the fact that having a degree of likelihood that the message is

spam would enable more sophisticated and sensitive filtering, such that potentially legitimate

messages need not be filtered as spam, for example.

As per claim 17, Glass-Kirsch-Seifert teaches the system of claim 1, but does not

specifically teach that the filter is a parental control filter. Official Notice is taken that it would

have been obvious to one of ordinary skill in the art to include this limitation, as the use of

parental control filters is very well known in the art of message filtering. The motivation for the

inclusion lies in the fact that parents can prevent their children from receiving objectionable

material, which would further enhance the security aims of Glass-Kirsch-Seifert.

Claim 45 is rejected on the same bases as claim 7, as the instant claim discloses

limitations similar to the earlier claim.

Response to Arguments

Applicant's arguments filed on February 27, 2009 have fully been considered, and are

respectfully traversed by the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is (571)272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 571/272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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